

**From:** Brian Kendig  
**To:** Microsoft ATR  
**Date:** 11/17/01 11:46am  
**Subject:** Comments from a former Netscape employee

Dear Department of Justice:

I worked for Netscape for almost five years, from early 1995 until late 1999. I rode the roller-coaster through all of its ups and downs, from the time when we could do no wrong to the time when we could do no right. I've been in the industry for much longer than that. I saw Netscape's end coming. Everything Microsoft did to us, they've done before and they're doing since.

I appreciate the opportunity to offer a few thoughts.

(1) Microsoft claimed all along that the web browser was a useful application which deserved to be tied to Windows. The crucial question they never answered was: what about Microsoft Word? Everybody uses a word processor; why didn't Microsoft add Word's powerful features into Windows, to benefit consumers in the same way they did by adding Explorer's powerful features to Windows?

The answer is that Word had no serious competition, so Microsoft was content to sell it separately and to offer a stripped-down word processor ("WordPad") bundled with Windows.

I've believed all along that a great solution to the tying issue would have been for Microsoft to include a stripped-down basic web browser with Windows, and to sell the full-featured Internet Explorer separately. This would let customers surf the web without buying anything extra, but if they wanted additional features, plenty of competition in the market would give them lots of choices of more-powerful web browsers.

(2) Microsoft defeated Netscape simply because they had the cash, the resources, and the time to copy every one of our most important products feature-for-feature, and give it away for free. They rarely got things right on the first try, but by bundling browsers and servers in with Windows and by releasing subsequent versions with more features, it was inevitable that they would eventually match our quality -- and then it was inevitable that customers would choose the free solution over ours. Many of our customers still remained loyal, and purchased Netscape software rather than using Microsoft's give-aways, but still, we were doomed from the very start. (Not only did Microsoft's freebies wound us deeply, but our grave was dug when they even went a step further and bullied our

major accounts to stop using our software.)

Many people have complained that Netscape's software became unpopular because it was bug-ridden and couldn't keep pace with the features Microsoft was adding to their software. My response to this is: YOU try fixing bugs and adding features and keeping pace with a company which has a near-infinite cash supply, all while your own revenues are slipping away!

We did the research and development. Microsoft saw what worked, copied it, and gave it away. How could we possibly survive?

More importantly, what does this say about the Next Big Thing, whatever that may be? What incentive does a person have to turn his great idea into a company, when he knows that Microsoft can simply steal his idea and undersell him once he proves that his idea is a success? The only options available these days are to follow the open source movement or ally with Microsoft; there is no longer any room for anything else.

(3) Microsoft has a long history of abusing their power, and they've been taken to court for it many times in many different countries. They've learned, however, that if they can get a court case to drag on for years, any ruling will become irrelevant because the competition it was supposed to benefit has long since died off. And not only are they skilled at dragging the proceedings through molasses -- but they also thumb their nose at the government while doing it; were they ever reprimanded for introducing a falsified videotape into evidence two years or so ago?

Any ruling against Microsoft must be strong and unyielding. So far their punishment for shrugging penalties aside has been another court case which has dragged on for another few years, and they'll only ignore the outcome of this one too.

This must stop now.

\_\_\_\_\_|M| Brian Kendig Set your priorities right.  
 \ ^ / ..\_ brian at enchanter net No one ever said on his  
 V \\_\\_ \\_/ http://www.enchanter.net/ death bed, "Gee, if I'd  
 \\_\_ \ Be insatiably curious. only spent more time at  
 \\_\\_\\_\\_\\_\ Ask "why" a lot. the office."